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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,659	01/22/2001	Richard N. Savage	A-67736-1/AJT/MSS	2896
7590	01/25/2005		EXAMINER	
Maria S. Swiatek FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Four Embarcadero Center, Suite 3400 San Francisco, CA 94111-4187			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/767,659	SAVAGE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Charles A. Fox	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on 14 June 2004 and 06 May 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 19-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 19-26 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

***Claim Numbering***

Claims 25 and 26 presented in the amendment filed on April 7, 2003 have been renumbered as claims 26 and 27 respectively per rule 1.126. Claim number 25 had been previously cancelled and may not be used again. Applicant need not do anything in regards to this matter as the claim numbering has been effected by the Patent office.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-24, 26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 19 and 24 have the limitation of transferring a processed and an unprocessed wafer between the loadlock chamber and the process chamber. This limitation is not enabled by the specification or the drawings. The specification is very clear that the only time an unprocessed and a processed wafer are transferred together is between the process chamber and the loadlock. While it may be said the transfer of the wafer from the process chamber to the loadlock is between the load lock and the process chamber, in a method claim this is not the case. In a method claim the moving of an object between point A and point B can only be thought of as from point A to point B. It is noted that claim 23 outlines the disclosed method of

transferring wafers in this device, as this is further limiting of claim 19 it shows that the applicant is claiming limitations that are broader than those disclosed in the specification. As claims 19 and 24 are not enabled the claims which depend from them are also not enabled at this time.

***Response to Amendment***

The amendments filed on April 7, 2003 have been entered into the record. Claims 25 and 26 have been renumbered as 26 and 27 as discussed above.

***Allowable Subject Matter***

Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. If the steps provided in claim 23 are added to the methods claimed in 19 and the 35 USC 112 rejections are addressed then claim 19 will be in condition for allowance. Claim 24 can be placed into condition for allowance by carrying out the same amendment. The allowable subject matter is the step of moving a processed wafer on a lower shelf and an unprocessed wafer on an upper shelf from a process chamber to a loadlock. The closest prior art of Tepman US 6,722,834 teaches a similar system but He leaves the unprocessed wafer in the process chamber when He picks up the processed wafer, thereby saving the step of moving an unprocessed wafer from the load lock to the process chamber twice as in the instant invention.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is Wytman.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
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1-24-05